

**Labor and Management Relations:
Historical Perspectives and Current Trends**

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Abstract

Over the last 125 years, labor unions and management in the United States have had working relationships that have ranged from positive to co-existence to adversarial. In recent decades, declines in union membership, politically charged legislation seeking to limit union influence, and pressures on management to maintain profits in a global economy have introduced further strain on labor and management relations. In this paper we will examine the factors that impact labor and management relationships on a local level and what can be done to improve them. To provide a bigger context, the history of legislation and economic factors that have influenced labor and management relationships throughout their existence in this country will be explored. Additionally, interviews of labor and management leaders revealed generational differences, complacency, and lack of communication can negatively impact labor and management relationships. Solutions to these problems will be offered and include utilizing a “Problem-Solving, Relationship-Building” (PS/RB) approach. Although hard metrics for this approach are difficult to define, it has been used successfully on both an organizational level as well as on a regional level. Finally, we will describe the resources available to not only begin this approach with labor and management, but to sustain the effort and the benefits it offers.

Problem Statement

Although unions and management have always represented different interests, in recent times the relationship has worsened. Right-to-work laws and other court challenges to unions illustrate this. As unions fight to exist and management tries to maintain profits in a competitive economy, how can both work to positively co-exist and strengthen each other?

History of Labor Unions and Management in the United States

Labor and Management relations in the United States go back as far as the first European Settlers. According the Labor History Timeline of the AFL-CIO (AFL-CIO, 2010), in 1607 English planters founded the Jamestown Colony and began to complain about the lack of laborers. Of course those were profoundly different circumstances than those faced by today's workforce and management units but it illustrates how long these issues have been in existence. Labor has been working to organize and improve their position ever since the colony at Jamestown. Steps to improve conditions for labor include the founding of the National Labor Union in 1866, the formation of the Federation of Organized Trades and Labor Unions in 1881, and the American Federation of Labor in 1886 (AFL-CIO, 2010). By the beginning of the Progressive Era of the early 1900s conditions for labor in all manner of workplaces were unsatisfactory and dangerous. Numerous strikes and work stoppages were common place and death in the workplace was a very troubling issue. The position of labor did not improve much through the Depression Era until 1935 when Congress enacted the National Labor Relations Act, also known as the Wagner Act. The Wagner Act guaranteed private sector employees the right to organize into trade unions, engage in collective bargaining for better terms and conditions at work and to take collective action including strikes if necessary. The act also created the National Labor Relations Board which conducts elections that can require employers to engage

in collective bargaining with labor unions (Hegji, 2012). In 1938 conditions for labor improved again when the Fair Labor Standards Act established the first minimum wage and forty hour work week. That year also saw the establishment of the Congress of Industrial Organizations as an independent federation.

One of Congress's goals of the Wagner Act was to help bring the United States out of the Great Depression. It was predicted that by allowing unions to pressure employers to increase wages, workers would spend their wages and increase the nation's purchasing power (Taylor & Whitney, 1992). Although the Wagner Act helped to bring an end to the Great Depression, some believed that it was one-sided and favored the unions, enabling excessive union power and disrupting the labor and management equilibrium (Reilly, 1960). Due to these assertions Congress passed the Taft-Hartley Act in 1947. This act placed some restrictions on unions and guaranteed certain freedoms of conduct and speech to employers (Hegji, 2012). The Taft-Hartley Act prohibited unfair labor practices for unions, required unions to give notification before striking, prohibited closed shops, and outlawed secondary boycotts. The act also allowed states to enact right-to-work laws and gave employers the right to request an election to determine which of multiple unions claiming to represent employees was in fact the employee representative. In addition, supervisors were prohibited from joining unions and employees were given the right to petition to decertify a union. Congress also restructured the National Labor Relations Board as part of this act (Hegji, 2012). In 1959, amid allegations of union corruption, Congress passed the Labor Management Reporting and Disclosure Act also known as the Landrum-Griffin Act. This act added a union member "Bill of Rights" that enumerated five basic rights of union members: equality of rights, safeguards against improper disciplinary actions, freedom of speech, freedom from interference with the right to sue, and freedom from

increased dues except by majority vote. The act also increased internal union transparency by mandating that each union enact by-laws and issue yearly financial disclosures and it set forth specific election procedures to help ensure that internal union elections were free of corruption (Hegji, 2012).

The National Labor Relations Act is the main tool that came out of the depression and post-War eras to assist with labor and management relations. The law grants rights to both workers and employers to prevent practices that could strain relationships and provides methods for both sides to resolve disputes. It provides the process of collective bargaining and details who can participate in the process and defines which items can be negotiated through the National Labor Relations Board. It also attempts to regulate how labor and management interact with each other to ensure that no unfair actions are taken.

One of the major issues undertaken by early unions was work place safety. Although statistics were not kept at that time, injury on the job was common and workplace deaths were not out of the ordinary. As recent as 1970 it had been estimated that 14,000 workers had been killed while working on a job (U.S. Department of Labor, 2014). In response to workplace safety issues the Occupational Safety and Health Administration (OSHA) was established in 1971. This organization, in cooperation with state and local governments, safety and health professionals, and unions have transformed workplace safety into a relative non-issue for collective bargaining between labor and management. By removing this issue from negotiations current labor and management negotiations are focused on certain mandatory and permissive subjects as defined by the National Labor Relations Act. Mandatory bargaining subjects are rates of pay, wages, hours of employment, and other conditions of employment (29 U.S.C § 159, 1947). These have further been broken down into overtime pay, shift differentials, paid holidays and vacations,

commissions, severance pay, pensions, health insurance, and profit sharing plans. Permissive bargaining subjects are those that either party may propose for inclusion in bargaining but neither is required to bargain over them. In addition, the National Labor Relations Act prohibits either party from requiring the other party to contract for provisions that are illegal or go against the intent of Congress for enacting the act.

Up to this point we have discussed the history of unions and their struggles to become recognized by management. An aspect of unions that also needs to be addressed is the makeup and number of their membership. It will become evident later in this document that the numbers regarding union membership and skill levels are ambiguous and often closely guarded by those who collect them. According to data from the Bureau of Labor Statistics (BLS, 2015) union members are more likely to be male, black, middle-age, and work in the private sector, although the union membership rate in the public sector was substantially higher than the rate for the private sector. Among occupational groups, the highest unionization rates in 2014 were in education, training, library and protective occupations (BLS, 2015). In 2014, 16.2 million wage and salary workers were represented by a union. This group includes both union members and workers who report no union affiliation but whose jobs are covered by a union contract (BLS, 2015).

Union membership is difficult to measure because there are multiple ways to characterize it. Union membership in the United States has declined significantly since its peak of 21 million members in 1979 (Mayer, 2004). Since 2004 union membership has fluctuated from a low of 12.3 million, in 2004, to 13.1 million in 2014 (BLS, 2015).

“As a percent of workers, union membership can be represented in different ways (e.g., as a percent of the labor force or as a percent of wage and salary workers).

Each approach has its advantages and disadvantages. The labor force includes both employed and unemployed workers. Union membership as a percent of the labor force would be the broadest measure of union membership. But such a measure may be more sensitive than other measures to changes in the unemployment rate. Union membership is often represented as a percent of nonagricultural employment. Although union membership in the agriculture industry is small, such calculations may exclude from the denominator an industry that is included in the numerator. Union membership is also represented as a percent of wage and salary employment. One of the possible economic effects of unions, however, is that they may reduce employment in the union sector of the economy and increase the supply of labor to the nonunion sector of the economy. This is called the “spillover” effect. The nonunion sector of the economy includes both nonunion wage and salary workers and nonunion self-employed workers. Workers not in the union sector have the option, therefore, of nonunion wage and salary employment or nonunion self-employment. But self-employed workers are, in effect, both employer and employee and, therefore, do not unionize” (Mayer, 2004).

Union membership in the United States has declined significantly since its peak of 21 million members in 1979 (Mayer, 2004). Since 2004 union membership has fluctuated from a low of 12.3 million, in 2004, to 13.1 million in 2014 (BLS, 2015). For the most part union membership in the public sector has held steady or declined much less than the private sector. Several theories have been created regarding the decline in union membership in the private sector. Changes in employment by industry, occupation, and region are often cited as contributing factors as well as

increased competition caused by deregulation. In addition, employer sensitivity to employee concerns have led to a reduction in the need for unionization, and finally employers now provide benefits formerly provided by unions which in turn reduces the demand for representation (Mayer, 2004).

Since the rules for collective bargaining and labor and management relations seem to be defined within the National Labor Relations Act it would seem that there should be no issues in negotiations and relations should be straight forward. Of course most realize that this has not been the case through recent history and based on our group's observations and problem statement is not the case currently. After providing this brief history we will now dig deeper into the state of our current local labor and management relationships to see what we can uncover.

Improving Labor and Management Relationships

Labor and Management Interviews – Methodology

Determining what makes a functional or dysfunctional relationship is hard to quantify. For this reason, it was decided that interviewing individuals with ties to either labor, management or both would provide us the greatest insight of how and why labor and management relationships succeed or fail. "It was the new toy for awhile, and people liked it when it worked... all of a sudden it wasn't working for me" (J. Meehan, personal communication, April 8, 2015). It should be noted that academic research on this subject in recent years is lacking. Many of the articles we found were from the 1980s, 1990s, and early 2000s. This may be due to the impact the economic recession of the late 2000s had on organized labor and the profits of businesses. "In the later 2000's it became harder and hard to do" (J. Meehan, personal communication, April 8, 2015). The series of interviews was conducted with individuals who were connected to labor and

management or were experts in the field of labor and management relationships. Most of them had a decade or more of experience in their fields. These individuals included:

Mark Freese – Retired Fire Chief, City of Davenport

Jerry Lack - Executive Director, Illowa Construction Labor & Management Council

Jerry Meehan – Commissioner, Federal Mediation & Conciliation Service

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Interviewees were asked their perception on the current condition of labor and management relations in recent times (past decade) and the causes. They were also asked to provide their ideas on how to improve and maintain the labor and management relationship. The sample questions have been included in Appendix 1.

Labor and Management Interviews – Findings

Current perceptions of labor and management relationships

The first topic explored was the interviewees' perception of current labor and management relations. Recent media reports paint a dire picture of this relationship. Right-to-work laws, which allow workers to opt out of paying union dues, are being considered and passed at an increasing rate by states. Currently, twenty-six states have either passed legislation or amended their constitution to become a right-to-work state. Twenty states either changed their constitution or after the Taft-Hartley Act of 1947, legislated the change as of 1963. From the 1970s to 1980s only two more states became right-to-work states. One was passed in 2001, with three more from 2012 to 2015. In this legislative session (2015), three more states are pushing

right-to-work legislation forward (National Right to Work Legal Defense Foundation Inc., 2015). In most cases, this effort is being pushed forward by Republican governors who feel their states will be better off economically with weaker unions. In fact, Governor Scott Walker of Wisconsin, a possible 2016 Republican candidate for president, has stated that he would like to take on unions across the nation by pushing towards passage of a national right-to-work law. He maintains that he is not just fighting unions but fighting special interests and providing opportunities to all Americans (Radio Iowa, 2015). Illinois Governor Bruce Rauner feels that, "...unions have too much power and that overly generous salaries, benefits and pensions helped create Illinois' financial crisis." Along with supporting attempts to enact right-to-work laws, he also feels campaign contributions from unions should be banned (Huffington Post, 2015). All of these efforts can strain the working relationship between labor and management on a local, state and national level.

Contrary to the media portrayals however, most of those interviewed felt that labor and management relations had actually improved in recent years in the Quad Cities region. When questioned on this topic, most took a local perspective and thought that relations were strong and positive. More than one interviewee cited the lack of work stoppages in the building trades as an example of this. There are seventeen building trade unions within the Quad Cities, yet there have only been two work stoppages within the past decade. "These stoppages were both by the carpenters' union and were quickly resolved, one lasting about three and a half weeks and the other lasting about a week long" (J. Meehan, personal communication, April 8, 2015).

Interviewees also cited a more positive economic climate. This has led to more work and more stability in employment (J. Meehan, personal communication, April 8, 2015). When asked about the legislative/political climate at the state level, particularly in Illinois, one interviewee said,

“The political stuff is just noise” (R. Washburn, personal communication, April 15, 2015). Their focus is on making sure there are jobs locally and that has to do with the relationships on a local level (R. Washburn, personal communication, April 15, 2015). One interviewee called this local focus one of necessity. He cited the need to stay relevant and maintain good relationships so they can hold onto their market share in the Quad Cities (J. Lack, personal communication, April 20, 2015). There was one interviewee that thought labor and management relations were worse (Representative AFSCME Council 31, personal communication, April 17, 2015). He cited the national examples discussed above as well as the Citizens United vs. Federal Election Commission ruling that declared corporations to be individuals where campaign contributions are concerned (ACLU, 2015). However, when describing local examples of how unions and management are working together, he too sounded optimistic. (Representative AFSCME Council 31, personal communication, April 17, 2015).

Current Negative Impacts to Labor and Management Relationships

On a local or regional scale there are still threats to the labor management relationship that go beyond the political aspects. These include a loss of institutional history due to the decrease in the number of union members, generational differences, and a lack of opportunities for labor and management to communicate with one another.

In past decades, unions had been accused of nepotism – with sons following their fathers and grandfathers into a union. At the time this was viewed negatively, but in reality, what was happening was institutional knowledge of the labor union and the relationship between labor and management was being passed down from generation to generation. Now this has changed (J. Meehan, personal communication, April 8, 2015, R. Washburn, personal communication, April 15, 2015). One interviewee described a project they do within the schools that has kids play the

role of either labor or management in a simulated exercise. He states that it is easy to spot the kids who are from a union household – but they are becoming less and less (Representative AFSCME Council 31, personal communication, April 17, 2015). Another one describes going to a career fair at a local high school and out of four hundred students in attendance only about eleven came up to his table – and out of these few, most were members of union families. He feels this is a challenge as kids are not growing up with an understanding of unions and management. “The better we understand each other the better we work together” (R. Washburn, personal communication, April 15, 2015). Another interviewee echoes this lack of understanding as well, stating that it is “important that each generation understands the history of why things are the way they are and how they came to be” in terms of union and management relations (J. Meehan, personal communication, April 8, 2015). A second issue is also generational – more and more people are entering the management level without “working in the trenches” (R. Washburn, personal communication, April 15, 2015). As union laborers became more successful, they sent their kids to college and those on the management side did the same. After earning their degrees, many entered the work force at a management level not ever having to “work their way up” through the company (R. Washburn, personal communication, April 15, 2015). This has created a lack of understanding between management and the job of the laborer in some instances (S. Tondi, personal communication, April 24, 2015, R. Washburn, personal communication, April 15, 2015). For example, “Often a Public Works Director is an engineer. They perhaps have never been hands-on to the work they are directing. They have no idea what it is like to do a water test at 3:00 am on a cold January morning” (J. Meehan, personal communication, April 8, 2015). Another interviewee maintains that without some understanding of the laborer’s work, it will be bad for the company. “The companies where the ‘heirs’ take

over and they don't have the skills (of laborers) – they end up out of business” (S. Tondi, personal communication, April 24, 2015). Related to this is the fact that many two and four year college degree holders have a hard time finding work in their field of study so they are turning to the trade union apprenticeship programs. Management loves this as these individuals normally have good attendance records. On the labor side it is a challenge as they may invest “a quarter of a million dollars in someone over four years and that person finds a job in their degree field and leaves the union” (R. Washburn, personal communication, April 15, 2015). Lack of communication opportunities for labor and management to interact can also have a negative impact on a labor and management relationship. Many times unions and management are perceived as having, or portrayed as having, an adversarial relationship. Often, the two sides may only meet at the collective bargaining table. Labor and management need to work together to show each other and the public that they can get along. This includes finding opportunities to communicate on issues outside of collective bargaining and eliminating activities that can hurt the perception of both unions and management. One interviewee went as far to say, “Any public activity that labor engages in, whether it is banners, leaf letting, strikes, it ultimately hurts the union and the public reacts negatively” (S. Tondi, personal communication, April 24, 2015).

Current Solutions to Improve Labor and Management Relations

During our research, we discovered a number of efforts, some already being utilized within the Quad Cities region, which can be utilized to improve the relationship between labor and management. In this section, we will discuss these best practices and illustrate their value through specific examples of where they have been used successfully.

Create Opportunities to Connect Youth to Union Trades

As mentioned above, one of the current challenges is the disconnection of youth to trades that are union based. This happens as a result of fewer union households where children follow the generations before them into union trades. As secondary education has evolved and education budgets have become tighter, junior high and high school shop programs have been eliminated. An example of this is the Los Angeles Unified School District where over ninety percent of their shop classes had been eliminated by 2012. This is in spite of the fact that over seventy-five percent of the students in the district would not attend college and could benefit from skills developed in shop classes (Brown 2012).

United Township High School in East Moline, in collaboration with eight other local school districts has a model that allows students to follow a non-college bound curriculum, develop useful skills and graduate high school. The UT Area Career Center offers students instruction in sixteen skilled careers. These include manufacturing and building trades, automotive repair, nursing, law enforcement, and even barbering. Junior and seniors are eligible to be selected for the application-based program which takes place in a lab setting or off campus in partnership with Blackhawk College or other partners. Many of the courses allow students to earn college as well as high school credit (UT Area Career Center, 2015). Programs such as the UT Area Career Center connect youth at a young age with instructors who have served in the field, thus building the institutional knowledge that was originally passed down from parent or grandparent to child.

Create Job-Shadowing Opportunities for Management and Labor

One of the problems cited by the interviewees was the fact that more and more people in management were not working their way up, but rather completing a college education and directly entering management. This is especially important when the two sides are working on

collective bargaining agreements or trying to resolve a problem. The ability to relate to the other side in these situations is critical. In some instances it may be necessary to create opportunities for labor and management to switch roles and view the job from the others' perspective. The CBS television program *Undercover Boss* is an example of this concept. On the show, CEOs disguise themselves and work alongside their workers in a number of roles in the company. Although we do not believe this drastic of a program is necessary, we do feel that creating opportunities for management to be in the field or on the floor with their union laborers can provide a benefit. In turn, labor leaders should also be given the opportunity to work alongside management staff to create an understanding of their day to day duties. Unfortunately, we have been unable to find an example of a program of job shadowing or exchange outside of the entertainment based *Undercover Boss*. Of course a program such as this would need to be part of a collective bargaining contract, but we feel if it could be established it would greatly enhance the trust and the relationship between labor and management and truly benefit the company or organization.

Utilizing a Problem-Solving, Relationship-Building Approach

Traditionally, collective bargaining meetings have followed an adversarial pattern. Both sides come to the table wary of the other and wanting to win at all costs. This brings a negative feel to the meeting before it even starts. When the meeting does begin, one side discloses their proposal to the other side. The side receiving the proposal meets to discuss the proposal and then comes up with a counter proposal. That proposal is then given to the side that made the initial proposal to which they then caucus to discuss the counter proposal. This process continues until an agreement is reached or an impasse is declared. As can be concluded from this description, the process rarely proceeds without anger, frustration and deepening of mistrust among the parties

(J. Meehan, personal communication, April 8, 2015, Representative AFSCME Council 31, personal communication, April 17, 2015). A Problem-Solving, Relationship-Building approach seeks to increase trust and decrease the adversarial relationship. One of the best known of these approaches is Interest Based Bargaining (IBB). Although IBB began in the 1980s and continued into the mid 2000s, it is not currently known only by that name. In fact, the term has greatly fallen out of current literature since the economic downturn of the late 2000s. However the concepts of IBB have survived even if the name has not. In fact one interviewee said he never uses the term Interest Based Bargaining even though he believes in the process, because to some it has a negative connotation due to past experiences when it was first being attempted (Representative AFSCME Council 31, personal communication, April 17, 2015).

For this reason, we have chosen to discuss IBB and similar programs as a Problem-Solving, Relationship-Building (PS/RB) model. In theory, the model is quite simple. The Federal Mediation and Conciliation Service (FMCS) defines it this way (note they still use the term Interest Based Bargaining in many of their materials),

“Instead of negotiation from hard and fast positions on issues, IBB focuses on the interests that underlie issues, and encourages the use of objective standards in evaluating a possible settlement. The negotiators become problem solvers, working together to develop options and solutions that satisfy the interests of both sides. Participants learn how to begin replacing labor and management antagonism and suspicion with a working relationship based more on shared goals, increased information sharing and communication” (FMCS, n.d.).

Jerry Meehan, a Commissioner for the Federal Mediation & Conciliation Service describes it this way:

“It is nothing more than problem-solving and it is different than traditional bargaining. Everyone talks; everyone can put out an idea. Traditional negotiating is not that way. Anything that gets said in the room stays in the room. Anything that gets decided upon is the product of the whole group, not individuals”

(J. Meehan, personal communication, April 8, 2015).

Along with being a trainer in this model, Jerry Meehan has utilized it in many negotiations over his career. He described one example where this approach was used to discover the reason behind a particular issue and thus led to a solution that was agreeable to both labor and management:

“I was representing a bargaining unit of 1100 members. I suggested starting with a ‘cream puff’ topic, but they wanted to talk about absenteeism. They put their numbers together and management said that on Mondays and Fridays we seem to have a high number of people not coming in. The union had said they wanted Mondays and Fridays off but their requests were always denied. The union recognized that they couldn’t get those days off because so many people were calling in that management needed people to run the plant. It was decided that management needed to discipline sooner and harder and give out appropriate suspensions for offenders. Both sides agreed to this” (J. Meehan, personal communication, April 8, 2015).

Another interviewee who was part of a machinists’ union at the time referenced an early national example of the PS/RB model. In the mid 1990s United Airlines had over-extended itself and

needed to keep the company viable. The pilots, mechanics, and baggage handler unions became part of the solution. Working with management, they agreed to acquire part ownership of the company in exchange for salary concessions. This helped United Airlines stay in the black until the terrorist attacks on September 11, 2001, after which they eventually had to declare bankruptcy (Representative AFSCME Council 31, personal communication, April 17, 2015).

Utilizing a PS/RB approach outside of collective bargaining

It is important to note that using a PS/RB approach is not always a quick fix but can take years to see fruition. Sometimes an adversarial relationship needs to be undone and this can take a series of meetings to accomplish. An example of this is the agreement that was eventually reached between the American Red Cross Heart of America Blood Services Region and AFSCME Council 31. The relationship between the entities started on an adversarial note as the workers of the blood services region tried to organize under AFSCME 31 and management fought it. After not being able to reach an agreement, FMCS became involved and using a PS/RB model helped the parties create a Labor-Management Committee (LMC). This committee was not involved in collective bargaining, but rather in hearing the issues and problems that existed. The process took seven years, but labor and management are now working cooperatively together (Representative AFSCME Council 31, personal communication, April 17, 2015, R. Washburn, personal communication, April 15, 2015).

As alluded to above, the PS/RB model is not only utilized in collective bargaining. In fact, it is just as useful outside of collective bargaining. For those organizations that fully implement this model, regular meetings need to be held with representatives from both labor and management, as referred to above as a Labor-Management Committee (LMC). Meetings should have a set agenda that is circulated to members a week prior to the meeting. Care should be taken to find

an appropriate meeting space for both parties and food is encouraged. If the LMC is used effectively, it can solve problems before they become collective bargaining issues, enhance relationships and build trust. An example of this would be the discipline process of employees by managers that is usually outlined in collective bargaining agreements. If there is an employee that constantly shows up to work late this employee is doing a disservice to both the management (lost productivity or wages) and the union (other employees need to cover work). It is safe to say that neither side wants this situation to continue. However, many times management cannot seem to terminate the employee due to union members' protests. If we look at this through an LMC model there is a possible solution. If the problem was discussed at an LMC meeting management may hear that the union workers are frustrated that they need to cover for the work of this individual and that they are frustrated that management is not following the procedure outlined in the collective bargaining agreement so they can terminate the employee. The labor side may hear from management that with budget cuts they do not have the time to document properly the instances of the employee behavior that would meet the collective bargaining agreement and lead to the employee being terminated. Having the conversation about both sides' concerns and difficulties can then lead to a solution generated by the group.

(Representative AFSCME Council 31, personal communication, April 17, 2015, R. Washburn, personal communication, April 15, 2015, Meehan & Phillips, 2014).

Difficulties in utilizing and sustaining a PS/RB approach

If a PS/RB model leads to better collective bargaining process and a better labor and management relationship, then why is it not utilized more often in more organizations?

According to the Federal Mediation and Conciliation Services (FMCS) website, commissioners were involved in just over 12,000 collective bargaining mediations in 2014 and offered 1,884

training programs on relationship development throughout the United States (FMCS, 2014).

With all the organizations with union representation, both public and private, which exist in the United States, these numbers seem very low. Jerry Meehan offers this explanation as to why more organizations are not utilizing this model, “Because they don’t want to, they don’t know about it and they don’t communicate. There is a lot of fear based on speculation that keeps either side from doing this kind of bargaining” (J. Meehan, personal communication, April 8, 2015).

Another problem that exists is maintaining the model in an organization over time. As one interviewee put it, “Labor-management groups can become complacent. They have a lack of drive to bring up the tough issues...they need to get into the ugly stuff that needs to be done in an organization” (R. Washburn, personal communication, April 15, 2015).

In the City of Davenport, a PS/RB model was utilized effectively in the 1980s, 1990s and into the 2000s. Today, although remnants of a LMC exist, it is not being used effectively. Labor and management may meet, but agendas are seldom handed out before hand and the meetings are often just a place to complain. In recent contract negotiations, the model utilized resembled a more traditional model with both sides offering proposals and then caucusing (C. Johnson, personal communication, April 8, 2015, B.Stineman, personal communication, April 8, 2015).

Sustaining a PS/RB model takes work. Fighting complacency and training new labor and management leaders on the process on a regular basis can be a key to continued success.

Utilizing a Project Labor Agreement (PLA) Approach

A Project Labor Agreement (PLA) can have many definitions based on the political tilt of the organization doing the defining. The West Central Illinois Building and Construction Trades Council defines it as, “A comprehensive pre-hire collective bargaining agreement. That means basic terms and conditions for labor are established in advance for everyone involved in the

project: the public sector employer, contractors and subcontractors, and the labor force” (West Central Illinois Building and Construction Trades Council, 2015). The National Right to Work Legal Defense Fund defines it as, “A project labor agreement is when the government awards contracts for public construction projects exclusively to unionized firms” (National Right to Work Labor Defense Foundation, 2015). In essence, it is an agreement that is executed prior to a large commercial project. The agreements, as described in federal and state laws, vary by state, but outline the expectations of both the workers and the owner of the project. The workers agree to work together across (mainly) unions, not to strike during the project, and to finish the project on time. Non-union workers can join the PLA but will need to observe the tenets outlined in the PLA as well. PLAs offer some structure and guarantees to the owner of the project such as no strikes, and work that is completed on time and also provide a guaranteed scope of work for the unions and contractors. This is an example how management and owners, and unions can work together to make sure jobs are accomplished on time and on budget (J. Lack, personal communication, April 20, 2015, S. Tondi, personal communication, April 24, 2015).

IMPACT – Illowa Labor & Management Council

One of the most unique and successful examples of a PLA model can be found in the Quad Cities in the building trades organizations. The Illowa Labor & Management Council was:

“...formed in 1985 as a non-profit organization to bring union building trades and management representatives together to improve labor and management cooperation in the construction industry and market the union construction industry in a nine county area of Western Illinois and Eastern Iowa...” (Illowa Construction Labor & Management Council, 2007).

Its formation was largely due to a study that indicated the need for construction projects in the area to be completed more efficiently. In 1989, the group created a unique PLA to cover construction projects within the Quad Cities region. This IMPACT (Increasing Markets, Productivity AND Construction Teamwork) Agreement model has been utilized 383 times since its inception (J. Lack, personal communication, April 20, 2015). Illowa is governed by a board of twenty directors, ten from labor and ten from management. The board is led by co-chairs, one from labor and one from management. The members have frequent contact, meeting monthly for board meetings and several additional times a month for job site meetings, construction safety events or audits, and social events (Illowa Construction Labor & Management Council, 2007, J. Lack, personal communication, April 20, 2015). Jerry Lack, Executive Director of Illowa feels that all this contact between Illowa members is beneficial:

“Because labor and management are talking on a regular basis, it helps keep the working relationship together. They better understand each other and they can work together on challenges. Both sides are seeing the fact that if they work together, everyone benefits because they are saving time by working efficiently which keeps the projects on schedule, on budget and everyone safe” (J. Lack, personal communication, April 20, 2015).

Illowa labor co-chair, Rory Washburn, Executive Director, Tri-City Building Trades, feels that Illowa and the IMPACT agreement has brought an economic advantage to the construction industry in the Quad Cities. Unemployment rates have remained low here compared to other regions where there is not a labor-management group. He knows the issues his counterparts in other regions of Iowa deal with and he sees what happens when you do not have an active partnership with management, especially where collective bargaining is concerned (R.

Washburn, personal communication, April 15, 2015). Jerry Lack adds that many times there is a misconception that a project under their IMPACT agreement may cost more, but overall that is not true. He cites the many on-going hotel construction projects in the Iowa Quad Cities. There is a Holiday Inn that was built in months during the tough time of the year, yet the hotel was completed. Initially the owner paid more upfront for labor costs than they may have under a non-IMPACT job, but he saved money in the long run. The job was completed quickly and they were able to open up their doors to the public and financially they have done better than others. Other hotel projects that were not part of IMPACT took much longer to complete and one even had to close down before it opened because it didn't pass inspection (J. Lack, personal communication, April 20, 2015).

Although Illowa does not handle collective bargaining between the labor and management groups, the relationships that have been developed working together in Illowa have paid off. Steve Tondi, President and CEO of the Associated General Contractors of the Quad Cities and the management co-chair for Illowa, feels that ability to interact in a non-adversarial way is a positive at negotiation time. Two years ago he was in negotiations with the iron workers' union. "The union came in with an attitude of cooperation – with an objective of being reasonable. We solved our differences in two meetings. It was unusual, but it is all about attitude" (S. Tondi, personal communication, April 24, 2015). The strong relationship that Illowa has developed between labor and management has also had a positive effect when an IMPACT agreement project is underway. During each project, one labor and one management representative from the Illowa board of directors is assigned to make sure the IMPACT agreement is executed properly. Steve Tondi has often held that role on the management side and in twenty years has

only had one problem he has had to resolve during an IMPACT construction project (S.Tondi, personal communication, April 24, 2015).

It is important to note that the Illowa Labor & Management Council is a very rare entity. Other regions such as Peoria or Chicago may have PLAs, but none of them have as high-functioning labor-management group as is found in the Quad Cities. Again, the reasons are similar to those cited in the lack of organizations utilizing the Problem-Solving, Relationship-Building (PS/RB) model, it takes work. It takes not only work, but a desire to continually nurture the relationship between labor and management. Complacency must be countered and new members educated (J. Lack, personal communication, April 20, 2015, S. Tondi, personal communication, April 24, 2015, R. Washburn, personal communication, April 15, 2015).

Measuring the Success

With the examples cited so far on the positive impacts the Problem-Solving, Relationship-Building (PS/RB) model and Project Labor Agreements (PLAs) have had, it may be easy to assume that there is documentation on the success of these models to point to. Unfortunately, there is a clear lack of data on the success or failure of these approaches outside of the anecdotal realm. Three main reasons assist in explaining this lack of data.

You cannot prove a negative.

Proving that something did not happen as a result of an organization utilizing a PS/RB model or a construction project utilizing a PLA cannot be done. There is no way to prove that a work stoppage would not have happened had a different model been used or a project would not have been completed on time if it was not under a PLA. The Federal Mediation and Conciliation Service (FMCS) does keep track of work stoppage hours on projects that they work on. Many of these employ the PS/RB model of Interest Based Bargaining (IBB). In 2014, the amount of work

hours lost due to work stoppages and the total costs attributed to work stoppages were at a four year and twelve year low respectively (FMCS, 2014).

Although this may appear as support for the models discussed above, there is no direct correlation between utilizing the PS/RB models as you cannot prove the decrease in work stoppages were not attributed to something else such as a better economy (J. Meehan, personal communication, April 8, 2015).

Each side contributes their own numbers.

As has been described earlier, the traditional relationship between labor and management is an adversarial one. It is often based on mistrust and trying to gain the upper hand on the other in order to strengthen each side's position at the bargaining table. This leads to a lack of reliable data from either labor or management organizations. Any data that may be available would be highly subjective. Either side may also not want to share data publicly, choosing rather to keep the data to support their positions at collective bargaining time (Representative AFSCME Council 31, personal communication, April 17, 2015, R. Washburn, personal communication, April 15, 2015).

Economists cannot even measure the impact.

In the building trades, there is a lot to measure. All the businesses who manufacture materials for the construction industry, the distributors, the laborers, the contractors, and others, all contribute to the local economy. If the labor and management relationship is good in a region, does that allow more profitability in each of those areas? A few years ago, Steve Tondi, President and CEO of the Associated General Contractors of the Quad Cities, hired an economist to measure the positive economic impact the construction industry had on the Quad Cities, especially since labor and management relationships are so positive due to the Illowa Council

and IMPACT agreements. After two years of study, the economist could not measure anything effectively with any high level of confidence. There were too many factors such as seasonality of the work, and random periods of growth and stagnation. On a national level, Steve sees the same trend. His national organization, the Association of General Contractors, employs an economist that provides a weekly report. The report consists more of “conjecture based on his skills as an economist” than on any hard numbers (S. Tondi, personal communication, April 24, 2015).

Even though the impact of PS/RB models and PLAs cannot be quantitatively measured, the qualitative measures are many as have been described in this project. Also, the support of the FMCS for its Interest Based Bargaining model (a PS/RB model) and the fact that it is utilized in mediations and trainings are offered on it provides some proof that the model has been tested and is an effective approach to increase labor and management relations.

Conclusion

Labor and management have had a long history of adversarial relationships. This relationship can be traced through numerous pieces of federal and state legislation. Recent challenges such as right-to-work and other state legislation have led to the perception that labor and management relationships are at a low point. This paper looked at the ways the labor and management relationship can be improved. Improved relationships begin with creating a connection with the next generation of union members and management. This can be done with educational programs that connect youth to traditional skilled labor trades and creating opportunities for both sides to walk in the others’ shoes through job shadowing programs. While interviewing experts within the Quad Cities region of Iowa and Illinois, two models that could be utilized to improve relationships between labor and management were discovered, a Problem-Solving, Relationship-

Building (PS/RB) model, (which can also be known as Interest Based Bargaining) and Project Labor Agreements (PLAs). Both these models have been successful in the Quad Cities region both at the collective bargaining table as well as with issues not related to collective bargaining. The PS/RB model can encourage problem solving on tough issues between labor and management and create trust among both sides. PLAs, such as the Illowa Labor & Management Council's IMPACT agreement provide a benefit to the labor unions, contractors and the owner of a project by guaranteeing high quality work, completed on time in a safe environment. Although no strong quantitative data could be found to substantiate the effectiveness of these models, those interviewed shared that they have experienced the benefits of these models through their use.

Both of these models take work to begin and to sustain. Just as in any personal relationship, becoming too comfortable or complacent can lead to the disintegration of a labor and management relationship. Both sides need to take time to communicate and follow the models without taking shortcuts. There are a number of resources offered by the Federal Mediation and Conciliation Service that can support organizations with these models. The Illowa Labor & Management Council also can provide a model to other regions looking to create a better relationship within the construction and building trades industry.

We have purposely tried to not side with labor or management throughout this project as we acknowledge that many people have strong feelings on either side. Rather, it was our intent to highlight strategies that may improve the relationship between labor and management so that both sides can be more prosperous, experience job security and feel positive that they are working together, not against the other.

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Appendix

Figure 1.1: Multipage pamphlet from the Federal Mediation & Conciliation Service.

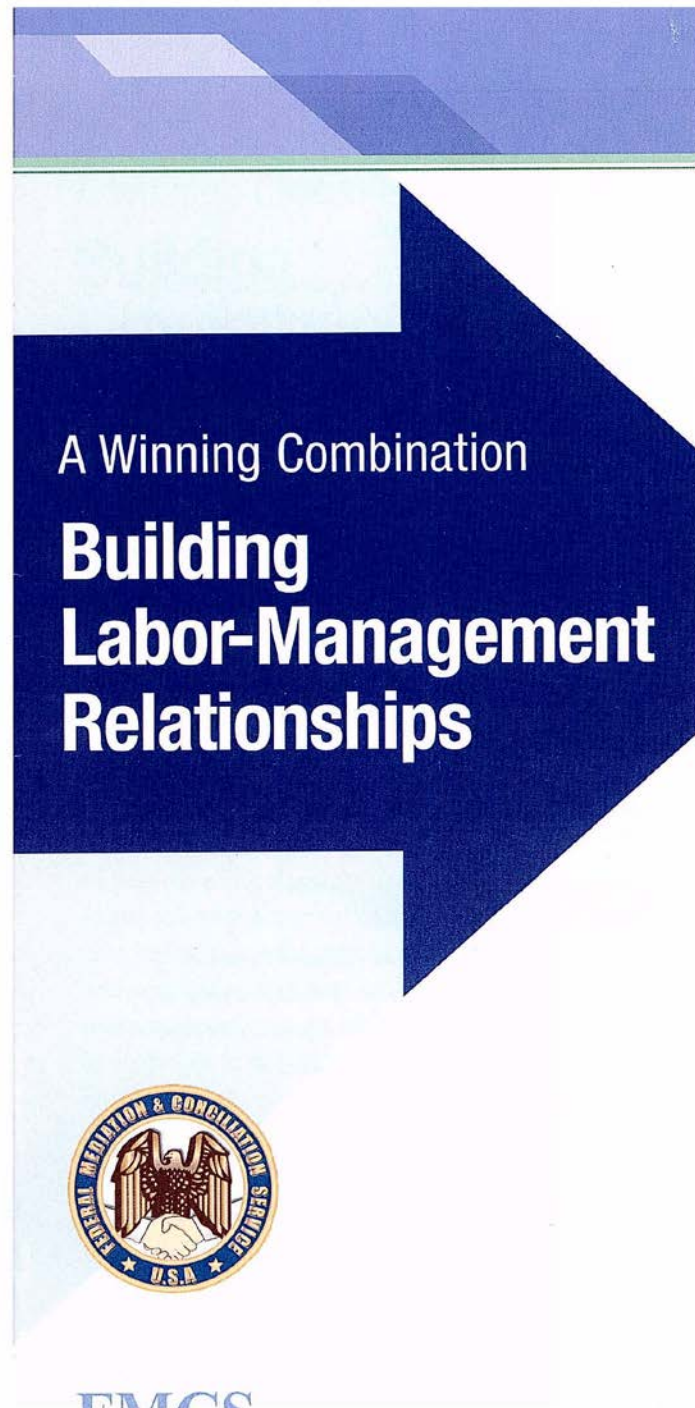


Figure 1.2: Multipage pamphlet from the Federal Mediation & Conciliation Service.

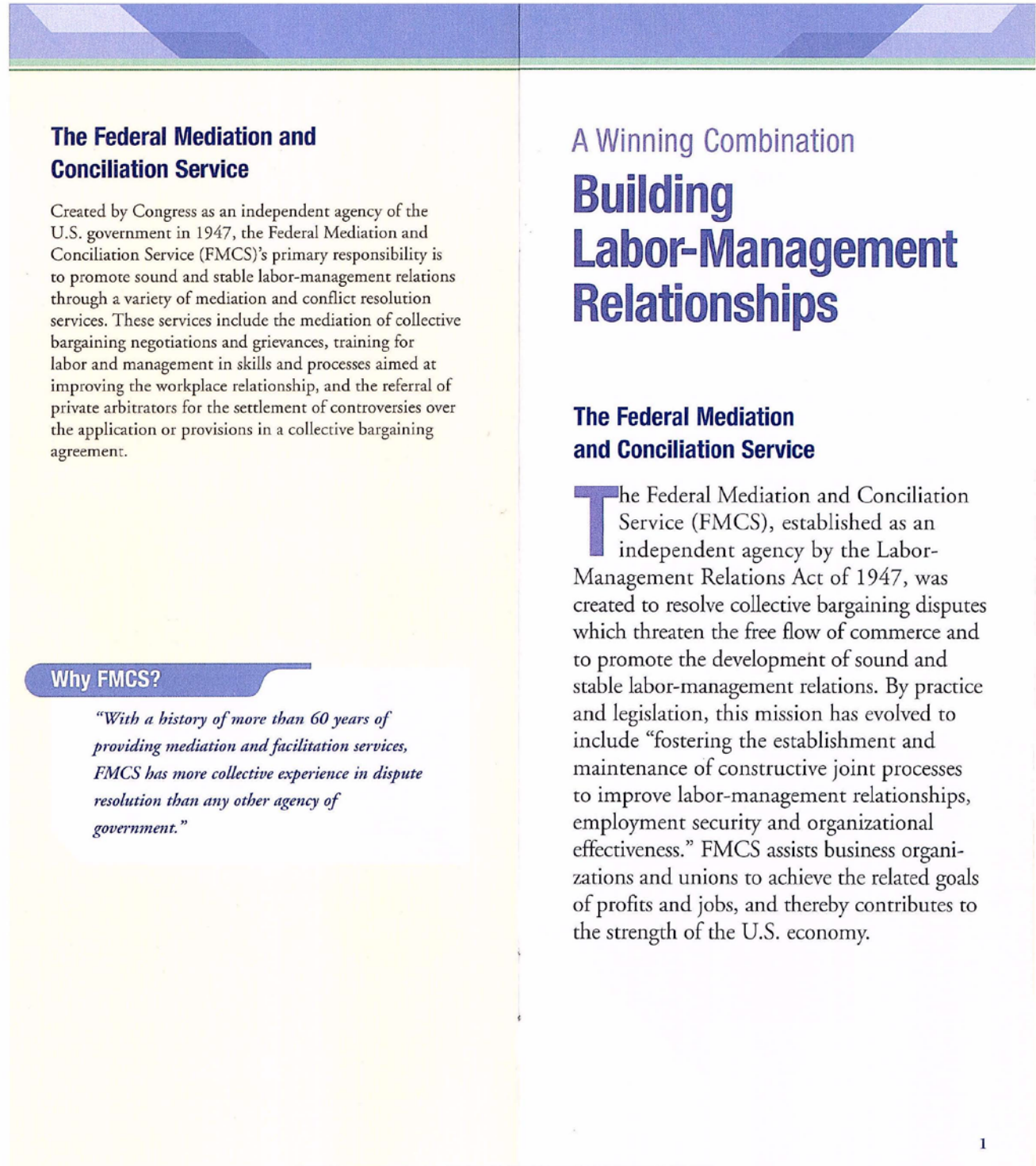


Figure 1.3: Multipage pamphlet from the Federal Mediation & Conciliation Service.

In the changing workplace and economic environment, the role of mediators continues to expand beyond the critical "firefighter" function, arriving at the last moment to assist the parties in resolving a contract dispute. Frequently, we become involved very early in negotiations or during the course of a contract to provide facilitation, consultation and training for both sides in an effort to assist with more effective problem solving, bargaining, communications and improving the relationship.

The American workplace is the basic foundation of the U.S. economy, and the ability of American business to compete worldwide relates directly to workplace performance. The workplace labor-management relationship, therefore, has major economic implications, because it affects product and service quality, productivity and profits of firms, and the jobs and employment security of workers. To assist management and labor in improving their relationship so they can learn to work together on issues of mutual interest, as a team instead of adversaries, FMCS offers a range of Relationship Development and Training services, which are broadly defined as collaborative union-management processes.

These services address three mutual goals:

1. Improving the Labor-Management Relationship

Mediators help the parties expand and improve the working relationship, the ability to resolve grievances and to deal effectively with pre- and post-negotiation problems.

2. Improving Organizational Effectiveness and Employment Security

Mediators work with the parties to enhance joint problem-solving and decision-making capabilities, overcome barriers to quality and productivity, manage change collaboratively, jointly address work design and enhance employee job satisfaction and employment security.

3. Improving Community-Wide Labor-Management Relations

This includes the effective operation of area and industry-wide labor-management committees and can address the development of a community and/or industry through labor-management cooperation.

Figure 1.4: Multipage pamphlet from the Federal Mediation & Conciliation Service.

Relationship Development and Training

To assist a company and union in achieving their mutual goals, FMCS mediators guide the parties through an assessment of the quality and development of their relationship and identify areas which may benefit from improvement. Problems often encountered include lowered employee morale, decreased productivity, excessive numbers of grievances or unfair labor practice complaints or poor communication between union leadership and management. After discussions with the parties and assessing the relationship, the mediator is able to develop appropriate training in skills and processes that will assist in addressing particular concerns. Customized training may be developed in areas such as:

- Traditional and Alternative Bargaining Processes
- Conflict Management
- Consensus Decision Making
- Contract Administration
- Facilitation Skills
- Interpersonal Communications
- Labor-Management Partnership Building
- Team Building
- Union/Management Roles and Responsibilities

Or, the mediator may recommend one of the more formal, comprehensive approaches, composed of particular combinations of these areas.

Orientation to Joint Labor-Management Initiatives (OJLMI)

A program that provides participants with a broad overview of cooperative labor-management working relationships, OJLMI provides labor and management leaders an examination of the philosophy and values

that form the foundation for labor-management cooperation, and the chance for company and union participants to engage in a mediator-facilitated dialogue about the potential impact of cooperative labor-management programs within their organization.

Contract Administration and the Steward and Supervisor Relationship

Supervisors and union stewards are the front line for translating a labor agreement into practice. For stewards and supervisors to work effectively together it is important for them to understand the process of arriving at the labor agreement, as well as their roles and responsibilities in its administration.

The emphasis of this program is on relationship-building between stewards and supervisors and on their leadership roles within their organization. The program is aimed at developing the interpersonal and communication skills needed to build a cooperative relationship. Information on labor history, the collective bargaining process, contract administration, grievance process and arbitration procedure is presented to help participants analyze workplace problems and develop the analytical skills to resolve and reduce the frequency of such problems. This information is particularly useful in organizations and unions with high turnover in labor relations and collective bargaining practitioners, and those facing initial contract negotiations.

Interest-Based Bargaining (IBB)

Interest-Based Bargaining is an alternative to traditional, positional negotiating. Instead of negotiating from hard and fast positions on issues, IBB focuses on the interests that underlie issues, and encourages the use of objective standards in evaluating a possible settlement. The negotiators become problem solvers, working together to develop options and solutions that satisfy the interests of both sides. Participants learn how to begin replacing labor-management antagonism and suspicion with a working relationship based more on shared goals, increased information sharing and communication.

Figure 1.5: Multipage pamphlet from the Federal Mediation & Conciliation Service.

Labor-Management Committee (LMC)

Mediators help to design, establish and maintain joint committees, which bring representatives of employers and employees into regular communication and contact over subjects of mutual interest. A fundamental building block for an organization committed to cooperative efforts, the joint LMC provides an ongoing forum to deal with common problems, ranging from attitudes to productivity improvements. FMCS can assist the parties in designing the framework for an effective committee and can provide training in proven consensus-building and problem-solving processes to promote the successful operation of the LMC.

Committee Effectiveness Training (CET)

Committee Effectiveness Training is a compendium of exercises designed to provide labor-management committee members with the knowledge and skills needed to become effective contributors. The key to CET's flexibility is a Needs Assessment Questionnaire which enables the mediator to tailor the workshop to the specific needs and time constraints of the group. CET includes training modules which address: Effective Planning, Effective Meetings, Group Problem Solving, Consensus Decision Making, and Effective Communication with Constituents. Three additional modules relate to maintaining effective group interaction: Understanding Self and Others, Interpersonal Skills, and Group Dynamics and Shared Leadership.

Partners In Change (PIC)

This "tailored" one- to two-day workshop is for organizations already committed to building or expanding a cooperative labor-management relationship. Participants have the opportunity to explore their full partnership potential by analyzing their organization's current state, identifying separate and jointly-held perceptions of the organization, creating a joint vision for the future, and based on that vision, initiating a joint change process and developing the necessary skills to bring about the desired change.

Facilitation Skills

This highly-interactive training provides an introduction to facilitation skills and techniques. The focus of this program is on the skills that facilitators need to manage a Labor-Management Committee meeting or similar labor-management group within an organization. Designed for those who want to build and/or fine-tune their facilitation skills, the course draws on exercises and simulations to give the participants opportunities to practice facilitating and to learn from one another.

A Facilitation Skills program complements other Relationship Development and Training. It is designed, for example, to supplement Labor-Management Committee/Partnership training. It may also be used in conjunction with Expanding Labor-Management Committees, Interest-Based Bargaining, and Partners-in-Change programs.

Relationship By Objectives (RBO)

Sometimes an organization's labor-management relationship has deteriorated to the point that jobs or the economic health of the operation are threatened. This situation can occur following a bitter or protracted strike or lockout, or after a contentious representation election.

An RBO program requires a strong commitment from both parties to improve the relationship. The process is usually conducted off-site over a two- to three-day period, and requires a team of mediators to assist the participants in analyzing the relationship and exploring the difficulties. Through structured interaction, both parties identify specific problem areas and develop mutually-agreeable objectives to address these issues. A restructured relationship is created with mutually-chosen objectives. Agreed-upon action steps and timetables are planned, and timetables for their resolution.

Figure 1.6: Multipage pamphlet from the Federal Mediation & Conciliation Service.

Contemporary Workplaces

The demographics of the American workplace are changing rapidly as more workers with different ethnic, racial, social and religious backgrounds join the labor force. The most rapidly increasing groups coming into the labor movement today are immigrants, women and minorities. Issues raised by an increasingly diverse workforce go far beyond the traditional collective bargaining matters of wages, hours and working conditions. Adapting to and accommodating new workforce demographics are increasingly a challenge to American business and organized labor.

To prepare managers and employee leaders to deal with the prevention and resolution of conflict in the changing workplace, FMCS training includes exploration of the impact of changing demographics and culture in the workplace, stereotyping, prejudices and discrimination. It offers strategies for diffusing workplace conflict, team building and cooperative workplace initiatives.

Labor-Management Grants Program

As an adjunct to the agency's Relationship Development and Training (RDT) Processes, the Labor-Management Cooperation Act of 1978 established the FMCS Grants Program, through which funding may be provided to encourage innovative approaches to collaborative labor-management relations and problem solving. Funding of this program is dependent on appropriations from Congress and is granted on a competitive basis for the creation or continuation of labor-management committees.

Eligible applicants for FMCS grants include state and local units of government, certain private, nonprofit corporations, labor-management committees and labor organizations or private businesses applying jointly with each other. The grants may be used to support committees at the workplace level, on a community or industry-wide basis, or in an economic sector.

FMCS Organization

FMCS mediators work out of more than 60 field offices around the United States, administered through 10 geographic regions. For more information, contact the FMCS National Office or visit www.fmcs.gov to locate the field office nearest you.

National Office

Federal Mediation and Conciliation Service
2100 K Street, NW
Washington, DC 20427
Phone: (202) 606-8100 Fax: (202) 606-4251
Website: www.fmcs.gov

Figure 1.7: Multipage pamphlet from the Federal Mediation & Conciliation Service.

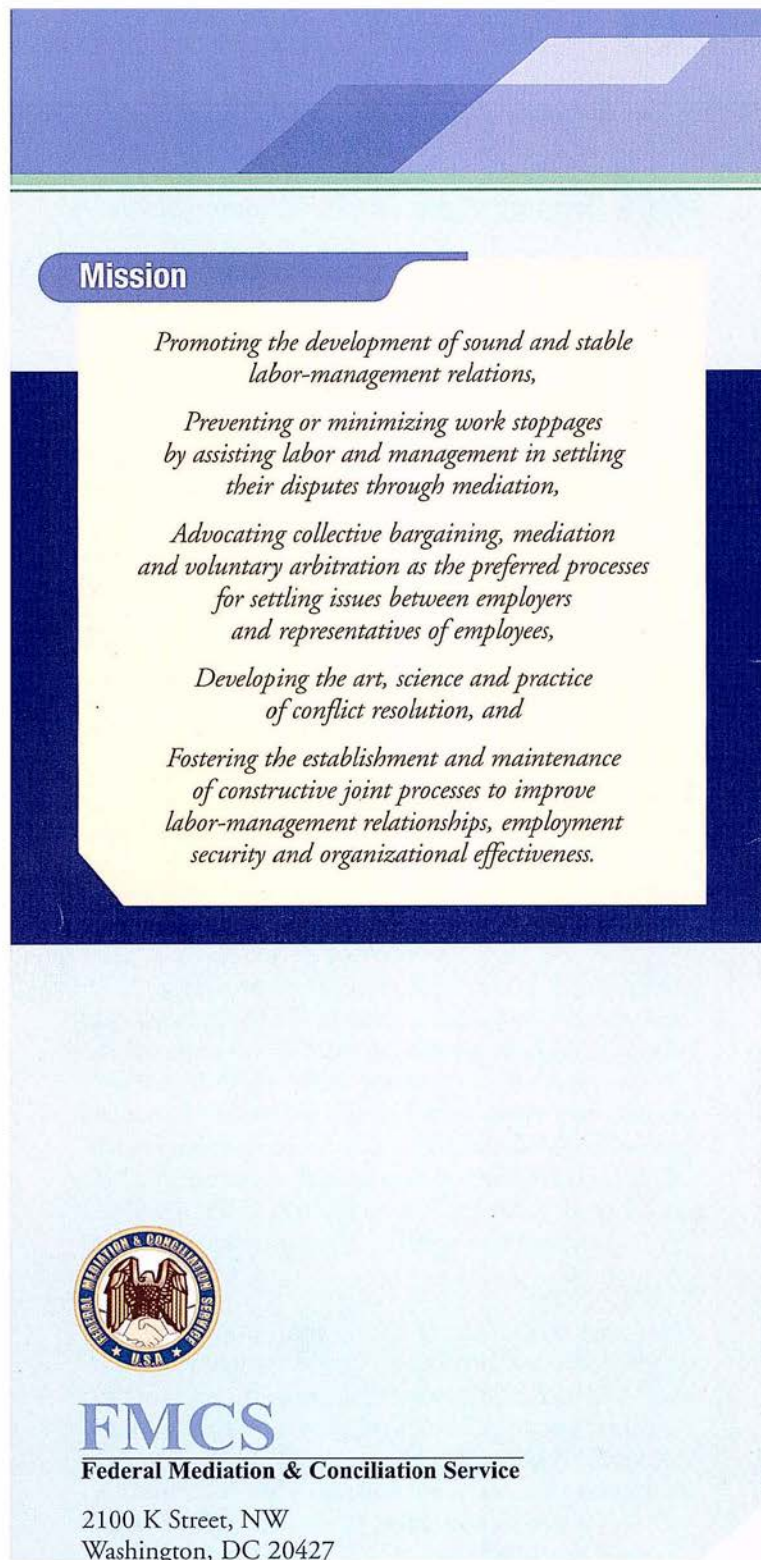



Figure 2.1: Illowa IMPACT Brochure



The Illowa Construction Labor and Management Council is dedicated to enhanced communication and increased cooperation between labor and management in the community and the workplace.

Formed in 1985 as a non-profit organization, today's Council consists of equal representation from labor and management and seats a 16-member board of directors. Our synergy increases markets, enhances productivity and promotes construction teamwork. The goal of the Council is to increase the market share for the construction industry in the Quad Cities and surrounding region which includes the Iowa counties of Scott, Muscatine and Clinton and the Illinois counties of Rock Island, Henry, Mercer, Warren, Knox and Henderson.

Who: Owners or contractors responsible for construction projects.

What: The IMPACT Agreement is a **NO COST** Project Labor Agreement signed and worked under by contractors and members of Tri-City Building Trades on a per-job basis.

When: The time to consider an IMPACT agreement is when you commit to the project.

Where: In and around the Quad Cities are more than 179 buildings, each standing as a testimony to the success of a project completed under the IMPACT Agreement.

Safety, Health and Education:

A recognized resource for information and safety training, the Illowa Safety Committee routinely conducts safety courses consistent with the most critical needs of the local industry. Committee members also reinforce the importance of good project safety with presentations at all Illowa IMPACT project toolbox meetings.

Toolbox Meetings:

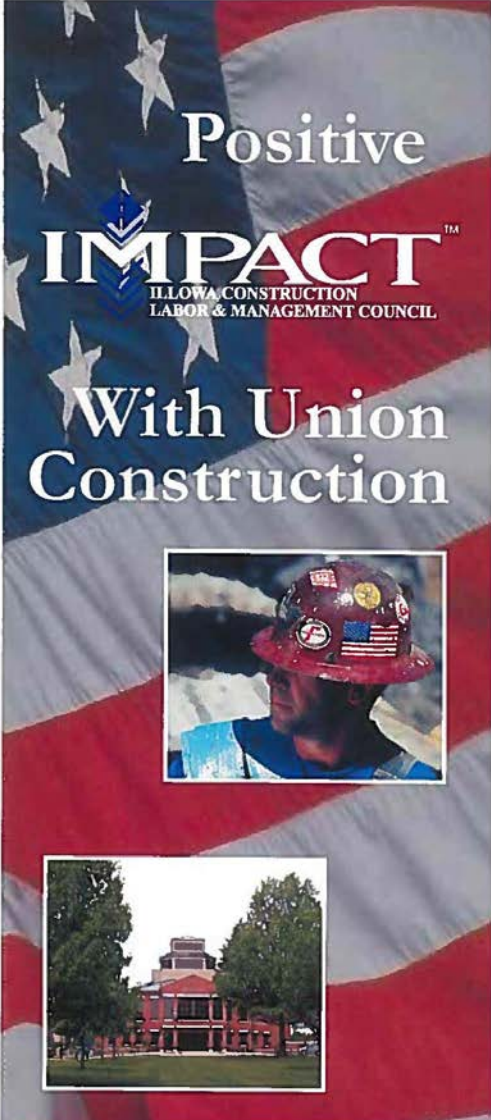
A forum for the exchange of information among workers, contractors, owners and their representatives. Meeting regularly in a neutral environment on the job site maintains these lines of communication and permits the relaying of labor-management updates on a regular basis.



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417-C

Positive

IMPACTTM
ILLOWA CONSTRUCTION
LABOR & MANAGEMENT COUNCIL

With Union
Construction






Figure 2.2: Illowa IMPACT Brochure

The IMPACT Agreement

I Increasing
M Markets
P Productivity
A And
C Construction
T Teamwork

The IMPACT Agreement is one contract signed and worked under by all Quad City building trade locals and contractors on a per-job basis.

For labor and management it fosters a cooperative relationship that is good for business. For the owner and user it assures the primary goal of completion of a quality project, on the most cost efficient and timely basis is met. These assurances include that projects will be built with:

- A stable, reliable workforce
- Guarantees no work stoppages
- Well trained, professional trades people
- Efficient, professional contractors
- Quality workmanship
- Stringent production and safety standards

"A Progressive Initiative for the Construction Industry"

Work rules under an IMPACT Agreement provide for increased productivity and reduced labor costs through uniform start times, common pay days and a standard overtime pay policy.

The agreement allows flexibility in crew size and ratios while assuring the necessary quality trades people with no work stoppages even if negotiations are in progress.

The Agreement encourages a proactive approach to potential differences through pre-bid conferences. It creates a positive avenue to traditionally adversarial issues and works toward resolution through enhanced communication and mutually beneficial means.



Figure 3.1: Sample Questions.

Possible Questions – For Rory Washburn (& Deno Leoni – possibly)

1. Tell us a little about your job – what are your responsibilities?
2. How long have you been in your position?
3. Do you feel that labor and management relations overall have improved, worsened or stayed about the same in recent years (past decade)?
4. Why – what are the causes you see? *(we can help conversation – if needed- with suggestions we have already uncovered such as decreasing union enrollment, laws targeted at unions, globalization/automation/decreasing profits of businesses...etc.)*
5. We have read about the “interest based bargaining” approach – is this something you are familiar with? If so – do you feel it is an effective method to encourage better labor/management relationships?
6. What suggestions do you have to improve labor/management relations – in essence, how can unions continue to exist and management continue to see profits?
7. What do you feel would be appropriate indicators to measure how better relationships can increase a company’s bottom line?

If Deno is present – we may be able to request data from him – such as union enrollments (IA RTW vs IL non RTW)

Figure 4.1: Our release form for interviewees to sign.

Drake University Masters in Public Administration (MPA) Capstone Project Participation Agreement

I understand that I am participating in a student led capstone project for the Drake MPA program. My participation is voluntary and I have not been coerced in any way into participating in this project. I understand that I can remain anonymous in both my comments and my image (pictures / video) if I request it (please see below). Absolutely NO personal data (addresses / phone numbers, etc.) will be retained at the conclusion of this project.

Additionally, it has been communicated to me that the final project paper for this capstone project will be cataloged on the Drake Cowles Library website. I have been provided an email address to ask for an electronic copy of the final paper once it is completed if I so desire.

Please check all that apply:

____ I give permission to the Drake capstone project group to use my name in their final paper and presentation

____ I give permission to the Drake capstone project group to use my image (pictures/video) in their final paper and presentation

____ I DO NOT give permission to the Drake capstone project group to use my name in their final paper and presentation

____ I DO NOT give permission to the Drake capstone project group to use my image (pictures/video) in their final paper and presentation

Print Name _____

Signature _____ Date _____